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EV423774509US

I/P

PATENT  
Attorney Docket No.: 2056/US/2  
Express Mail Label No.: EV 423774509 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

|            |  |                            |
|------------|--|----------------------------|
| Applicant  | : Luettgen et al.                                |                            |
| Appln. No. | : 10/750,720                                     | Confirmation No.: 1370     |
| Filed      | : December 31, 2003                              | Group Art Unit: 3732       |
| Title      | : WHITENING TIP FOR<br>DENTAL FLOSSING<br>DEVICE | Examiner: Not Yet Assigned |

## CERTIFICATE OF MAILING BY EXPRESS MAIL

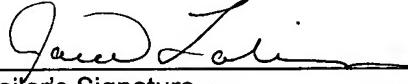
MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned hereby certifies that the following documents:

1. Information Disclosure Statement (2 pages);
2. Form PTO-1449 (12 pages);
3. Copy of International Preliminary Examination Report (8 pages);
4. Copies of Fifty (50) References;
5. Certificate of Mailing by Express Mail (1 page); and
6. Return Card

relating to the above application, were deposited as "Express Mail" under 37 CFR § 1.10, Mailing Label No. EV 423774509 US, with the United States Postal Service addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 9, 2004.

  
\_\_\_\_\_  
Mailer's Signature \_\_\_\_\_  
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**INFORMATION DISCLOSURE STATEMENT**  
(37 C.F.R. §§1.97(b)(3) and 1.98)

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Examiner is requested to consider the references noted on the enclosed Form PTO-1449 during examination of the above-identified patent application. These references are submitted for the Examiner's consideration and are submitted pursuant to the duty of disclosure under 37 C.F.R. § 1.56. In submitting these references, no representation is made or implied that the references are or are not material to the examination of the application. The Examiner is encouraged to make his or her own determination of materiality. Pursuant to the U.S. Patent and Trademark Office's July 11, 2003 waiver of the requirements of 37 C.F.R. § 1.98(a)(2)(i), copies of the U.S. patents and U.S. publications are not provided. Copies of all other references are submitted herewith.

The following patents are not in the English language: EP 0354352, DE 1766651, DE 3431481, DE 3512190, DE 3736308, DE 4142404, DE 4003305, DE 4223195, DE 4223196, DE 4226659, DE 4226658, DE 4241576, DE 4309078, DE 29715234, DE 19961447, JP 53-33753, JP 3-222905, CH 609,238, WO 94/04093, WO 98/47443, WO 01/28452,

WO 02/071970, WO 02/071971. English translations of the abstracts are attached to their respective patents, which are enclosed, to satisfy the requirement for a concise explanation of relevance.

English abstracts of the following foreign patents could not be obtained. In order to satisfy the requirement of a concise explanation under 37 C.F.R. § 1.98(a)(3)(i), the following descriptions are provided:

French Patent No. FR 429447 describes a toothpick having a handle and a pick end, with the pick end being curved.

French Patent No. FR 1,171,337 discloses an electric toothbrush having a motor drive with the motor positioned in the handle and the toothbrush extending outwardly from the handle.

French Patent No. FR 243224 describes a toothbrush with a circular brush head and a hand crank that, when actuated, causes the circular brush head to rotate.

German Patent No. DE 8626725 describes a flossing device using flossing tape.

Swedish Patent No. SE 324,221 (drawings only) describes a toothbrush having a drive mechanism converting rotation of a shaft around its longitudinal axis into rotation of a disc around its horizontal axis, to in turn control the cleaning motion of the bristles.

Swiss Patent No. CH 435,553 describes a motorized toothbrush having a handle and a brush shaft extending therefrom, the handle having a lateral dimension larger than its forward/rearward dimension, to accommodate the structure of the motor.

The following references cited on the attached PTO-1449 were cited in an International Preliminary Examination Report dated July 12, 2004, in non-corresponding PCT Application No. PCT/US02/22312: U.S. Patent Nos. 5,311,632, 5,974,615, 4,603,448, and 5,784,742. A copy of the International Preliminary Examination Report is enclosed herewith.

Pursuant to 37 C.F.R. 1.97(b)(3), no fees are due with respect to this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 as necessary.

Should the Examiner have any questions, please contact the undersigned attorney.

Dated: 9 August 2004

Respectfully submitted,

  
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|   |  |  |  |                                  |                          |
|---|--|--|--|----------------------------------|--------------------------|
| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE<br>(Modified) PATENT AND TRADEMARK OFFICE |  |  |  | ATTY. DOCKET NO.<br>2056/US/2    | APPLN. NO.<br>10/750,720 |
| INFORMATION DISCLOSURE<br>STATEMENT BY APPLICANT                                    |  |  |  | APPLICANT:<br>Luettgen et al.    |                          |
| (Use several sheets if necessary)   |  |  |  | FILING DATE<br>December 31, 2003 | ART UNIT<br>3732         |



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| EXAMINER INITIAL |    | PATENT NUMBER | ISSUE DATE | PATENTEE         | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|------------------|----|---------------|------------|------------------|-------|----------|----------------------------|
|                  | 1  | 684,951       | 10/22/1901 | Rothkranz        |       |          |                            |
|                  | 2  | 1,313,490     | 08/19/1919 | Larson           |       |          |                            |
|                  | 3  | 1,355,037     | 10/05/1920 | Dziuk            |       |          |                            |
|                  | 4  | 1,424,879     | 08/08/1922 | Carlstedt        |       |          |                            |
|                  | 5  | 1,517,320     | 12/02/1924 | Stoddart         |       |          |                            |
|                  | 6  | 1,696,835     | 12/25/1928 | Burnett          |       |          |                            |
|                  | 7  | 1,703,642     | 02/26/1929 | Sticht           |       |          |                            |
|                  | 8  | 1,796,641     | 03/17/1931 | Zimmerman et al. |       |          |                            |
|                  | 9  | 1,832,519     | 11/17/1931 | Wheat et al.     |       |          |                            |
|                  | 10 | 1,880,617     | 10/04/1932 | White            |       |          |                            |
|                  | 11 | 2,016,597     | 10/08/1935 | Drake            |       |          |                            |
|                  | 12 | 2,044,863     | 06/23/1936 | Sticht           |       |          |                            |
|                  | 13 | 2,158,738     | 05/16/1939 | Baker et al.     |       |          |                            |
|                  | 14 | 2,206,726     | 07/02/1940 | Lasater          |       |          |                            |
|                  | 15 | 2,246,523     | 06/24/1941 | Kulik            |       |          |                            |
|                  | 16 | 2,278,365     | 03/31/1942 | Daniels          |       |          |                            |
|                  | 17 | 2,282,700     | 05/12/1942 | Bobbroff         |       |          |                            |
|                  | 18 | 2,598,275     | 05/27/1952 | Lakin            |       |          |                            |
|                  | 19 | 2,709,227     | 05/24/1955 | Foley et al.     |       |          |                            |
|                  | 20 | 2,728,928     | 01/03/1956 | Beeren           |       |          |                            |
|                  | 21 | 2,734,139     | 02/07/1956 | Murphy           |       |          |                            |
|                  | 22 | 2,806,235     | 09/17/1957 | Carstairs et al. |       |          |                            |
|                  | 23 | 2,875,458     | 03/03/1959 | Tsuda            |       |          |                            |
|                  | 24 | 2,917,758     | 12/22/1959 | Held et al.      |       |          |                            |
|                  | 25 | 2,931,371     | 04/05/1960 | Petitta          |       |          |                            |
|                  | 26 | 2,977,614     | 04/04/1961 | Demanuele        |       |          |                            |
|                  | 27 | 3,104,405     | 09/24/1963 | Perrinjaquet     |       |          |                            |
|                  | 28 | 3,106,216     | 10/08/1963 | Kirby            |       |          |                            |
|                  | 29 | D197,048      | 12/10/1963 | Troy             |       |          |                            |
|                  | 30 | D197,208      | 12/31/1963 | Cassidy et al.   |       |          |                            |
|                  | 31 | 3,143,697     | 08/04/1964 | Springer         |       |          |                            |
|                  | 32 | 3,145,404     | 08/25/1964 | Fiedler          |       |          |                            |
|                  | 33 | D199,560      | 11/17/1964 | Thompson         |       |          |                            |
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|                  | 35 | D199,893      | 12/29/1964 | Bond et al.     |       |          |                            |
|                  | 36 | 3,181,189     | 05/04/1965 | Leyden          |       |          |                            |
|                  | 37 | 3,183,538     | 05/18/1965 | Hubner          |       |          |                            |
|                  | 38 | D202,873      | 11/16/1965 | Husted          |       |          |                            |
|                  | 39 | D204,127      | 03/22/1966 | Syvertson       |       |          |                            |
|                  | 40 | 3,270,416     | 09/06/1966 | Massa           |       |          |                            |
|                  | 41 | 3,316,576     | 05/02/1967 | Urbrush         |       |          |                            |
|                  | 42 | 3,335,443     | 08/15/1967 | Parisi et al.   |       |          |                            |
|                  | 43 | 3,346,748     | 10/10/1967 | McNair          |       |          |                            |
|                  | 44 | 3,358,309     | 12/19/1967 | Richardson      |       |          |                            |
|                  | 45 | 3,371,260     | 02/27/1968 | Jackson et al.  |       |          |                            |
|                  | 46 | 3,375,820     | 04/02/1968 | Kuris et al.    |       |          |                            |
|                  | 47 | D212,208      | 09/17/1968 | Rogers          |       |          |                            |
|                  | 48 | 3,418,552     | 12/24/1968 | Holmes          |       |          |                            |
|                  | 49 | 3,421,524     | 01/14/1969 | Waters          |       |          |                            |
|                  | 50 | 3,430,279     | 03/04/1969 | Hintze          |       |          |                            |
|                  | 51 | 3,463,994     | 08/26/1969 | Spohr           |       |          |                            |
|                  | 52 | 3,466,689     | 09/16/1969 | Aurelio et al.  |       |          |                            |
|                  | 53 | 3,472,045     | 10/14/1969 | Nelsen et al.   |       |          |                            |
|                  | 54 | 3,472,247     | 04/14/1969 | Borsum et al.   |       |          |                            |
|                  | 55 | 3,474,799     | 10/28/1969 | Cappello        |       |          |                            |
|                  | 56 | 3,535,726     | 10/27/1970 | Sawyer          |       |          |                            |
|                  | 57 | 3,538,359     | 11/03/1970 | Barowski        |       |          |                            |
|                  | 58 | 3,552,022     | 01/05/1971 | Axelsson        |       |          |                            |
|                  | 59 | 3,559,292     | 02/02/1971 | Weissman        |       |          |                            |
|                  | 60 | 3,563,233     | 02/16/1971 | Bodine          |       |          |                            |
|                  | 61 | 3,588,936     | 06/29/1971 | Duve            |       |          |                            |
|                  | 62 | 3,590,814     | 07/01/1971 | Bennett et al.  |       |          |                            |
|                  | 63 | D221,823      | 09/14/1971 | Cook            |       |          |                            |
|                  | 64 | 3,642,344     | 02/15/1972 | Corker          |       |          |                            |
|                  | 65 | 3,651,576     | 03/28/1972 | Massa           |       |          |                            |
|                  | 66 | 3,660,902     | 05/09/1972 | Axelsson        |       |          |                            |
|                  | 67 | 3,667,483     | 06/06/1972 | McCabe          |       |          |                            |
|                  | 68 | 3,672,378     | 06/27/1972 | Silverman       |       |          |                            |
|                  | 69 | 3,676,218     | 07/11/1972 | Sawyer          |       |          |                            |
|                  | 70 | 3,759,274     | 09/18/1973 | Warner          |       |          |                            |
|                  | 71 | 3,760,799     | 09/25/1973 | Crowson         |       |          |                            |
|                  | 72 | 3,809,977     | 05/07/1974 | Balamuth et al. |       |          |                            |
|                  | 73 | 3,831,611     | 08/27/1974 | Hendricks       |       |          |                            |
|                  | 74 | 3,840,932     | 10/15/1974 | Balamuth et al. |       |          |                            |
|                  | 75 | 3,847,167     | 11/12/1974 | Brien           |       |          |                            |

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|                       | 76  | 3,882,364     | 05/06/1975 | Wright et al.      |       |          |                            |
|                       | 77  | 3,902,510     | 09/02/1975 | Roth               |       |          |                            |
|                       | 78  | 3,903,601     | 09/09/1975 | Anderson et al.    |       |          |                            |
|                       | 79  | 3,967,617     | 07/06/1976 | Krolik             |       |          |                            |
|                       | 80  | 3,978,852     | 09/07/1976 | Annoni             |       |          |                            |
|                       | 81  | 3,980,906     | 09/14/1976 | Kuris et al.       |       |          |                            |
|                       | 82  | 4,004,344     | 01/25/1977 | Gold et al.        |       |          |                            |
|                       | 83  | 4,005,722     | 02/01/1977 | Bragg              |       |          |                            |
|                       | 84  | 4,008,728     | 02/22/1977 | Sanchez            |       |          |                            |
|                       | 85  | 4,014,354     | 03/29/1977 | Garrett            |       |          |                            |
|                       | 86  | 4,019,522     | 04/26/1977 | Elbreder           |       |          |                            |
|                       | 87  | 4,048,723     | 09/20/1977 | Thorup             |       |          |                            |
|                       | 88  | 4,064,883     | 12/27/1977 | Oldham             |       |          |                            |
|                       | 89  | 4,133,339     | 01/09/1979 | Naslund            |       |          |                            |
|                       | 90  | 4,177,434     | 12/04/1979 | Ida                |       |          |                            |
|                       | 91  | D254,162      | 02/12/1980 | Barker             |       |          |                            |
|                       | 92  | 4,192,035     | 03/11/1980 | Kuris              |       |          |                            |
|                       | 93  | 4,203,431     | 05/20/1980 | Abura et al.       |       |          |                            |
|                       | 94  | 4,205,664     | 06/03/1980 | Baccialon          |       |          |                            |
|                       | 95  | 4,219,619     | 08/26/1980 | Zarow              |       |          |                            |
|                       | 96  | 4,235,253     | 11/25/1980 | Moore              |       |          |                            |
|                       | 97  | 4,245,658     | 01/20/1981 | Lecouturier        |       |          |                            |
|                       | 98  | RE30,536      | 03/03/1981 | Perdreaux, Jr.     |       |          |                            |
|                       | 99  | 4,255,693     | 03/10/1981 | Keidl              |       |          |                            |
|                       | 100 | 4,265,257     | 05/05/1981 | Salyer             |       |          |                            |
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|                       | 104 | 4,275,363     | 06/23/1981 | Mishiro et al.     |       |          |                            |
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|                       | 107 | 4,319,377     | 03/16/1982 | Tarrson et al.     |       |          |                            |
|                       | 108 | 4,319,595     | 03/16/1982 | Ulrich             |       |          |                            |
|                       | 109 | 4,326,547     | 04/27/1982 | Verplank           |       |          |                            |
|                       | 110 | 4,326,548     | 04/27/1982 | Wagner             |       |          |                            |
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|                       | 112 | 4,331,422     | 05/25/1982 | Heyman             |       |          |                            |
|                       | 113 | 4,333,197     | 06/08/1982 | Kuris              |       |          |                            |
|                       | 114 | 4,336,622     | 06/29/1982 | Teague, Jr. et al. |       |          |                            |
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|                       | 116 | D265,515      | 07/20/1982 | Levine             |       |          |                            |

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| EXAMINER INITIAL |     | PATENT NUMBER | ISSUE DATE | PATENTEE           | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
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|                  | 117 | 4,347,839     | 09/07/1982 | Youngclaus, Jr.    |       |          |                            |
|                  | 118 | 4,353,141     | 10/12/1982 | Teague, Jr. et al. |       |          |                            |
|                  | 119 | 4,381,478     | 04/26/1983 | Saijo et al.       |       |          |                            |
|                  | 120 | 4,395,665     | 07/26/1983 | Buchas             |       |          |                            |
|                  | 121 | 4,397,327     | 08/09/1983 | Hadary             |       |          |                            |
|                  | 122 | D272,565      | 02/07/1984 | Levine             |       |          |                            |
|                  | 123 | D272,680      | 02/07/1984 | Stocchi            |       |          |                            |
|                  | 124 | 4,429,997     | 02/07/1984 | Matthews           |       |          |                            |
|                  | 125 | 4,432,729     | 02/21/1984 | Fattaleh           |       |          |                            |
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|                  | 127 | 4,442,830     | 04/17/1984 | Markau             |       |          |                            |
|                  | 128 | 4,458,702     | 07/10/1984 | Grollmund          |       |          |                            |
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|                  | 130 | 4,522,355     | 06/11/1985 | Moran              |       |          |                            |
|                  | 131 | 4,522,595     | 06/01/1985 | Selvidge           |       |          |                            |
|                  | 132 | 4,562,413     | 12/31/1985 | Mishiro et al.     |       |          |                            |
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|                  | 136 | D283,374      | 04/15/1986 | Cheuk-Yiu          |       |          |                            |
|                  | 137 | 4,585,415     | 04/29/1986 | Hommann            |       |          |                            |
|                  | 138 | 4,586,521     | 05/06/1986 | Urso               |       |          |                            |
|                  | 139 | 4,603,448     | 08/05/1986 | Middleton et al.   |       |          |                            |
|                  | 140 | 4,605,025     | 08/12/1986 | McSpadden          |       |          |                            |
|                  | 141 | 4,608,019     | 08/26/1986 | Kumabe et al.      |       |          |                            |
|                  | 142 | 4,617,718     | 10/21/1986 | Andersson          |       |          |                            |
|                  | 143 | 4,634,376     | 01/06/1987 | Mossle et al.      |       |          |                            |
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|                  | 149 | 4,766,630     | 08/30/1988 | Hegemann           |       |          |                            |
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|                  | 155 | 4,827,550     | 05/19/1989 | Graham et al.      |       |          |                            |
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| EXAMINER INITIAL      |     | PATENT NUMBER | ISSUE DATE | PATENTEE        | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
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|                       | 162 | 4,879,781     | 11/14/1989 | Desimone        |       |          |                            |
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|                       | 165 | 4,913,176     | 04/01/1990 | DeNiro          |       |          |                            |
|                       | 166 | 4,913,133     | 04/03/1990 | Tichy           |       |          |                            |
|                       | 167 | 4,922,936     | 05/08/1990 | Buzzi et al.    |       |          |                            |
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|                       | 169 | 4,989,287     | 02/05/1991 | Scherer         |       |          |                            |
|                       | 170 | 4,991,249     | 02/12/1991 | Suroff          |       |          |                            |
|                       | 171 | 4,995,403     | 02/26/1991 | Beckman et al.  |       |          |                            |
|                       | 172 | 5,000,684     | 03/19/1991 | Odrich          |       |          |                            |
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|                       | 175 | 5,016,660     | 05/21/1991 | Boggs           |       |          |                            |
|                       | 176 | 5,020,179     | 06/04/1991 | Scherer         |       |          |                            |
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| FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION |     |                    |                   |         |       |          |             |    |
|--|-----|--------------------|-------------------|---------|-------|----------|-------------|----|
| EXAMINER<br>INITIAL                                    |     | DOCUMENT<br>NUMBER | PUBLISHED<br>DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION |    |
|  |     |                    |                   |         |       |          | YES         | NO |
|  | 433 | WO 98/47443        | 10/29/1998        | WIPO    |       |          | X           |    |
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| <b>EXAMINER</b>  | <b>DATE CONSIDERED</b>   |
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